

REMARKS

Independent claims 1, 12, and 21 have been amended to more precisely define the solvent-removing means as nozzles for removal of the solvent by injecting gas into the sample container, the depth of the insertion of the nozzles into the sample container being increased as the progress of removal. Support for the amendment is set forth in paragraph [0059] in the sentence bridging pages 9 and 10 of the specification and with reference to Figure 2.

The Examiner has rejected claims 1-8, 12-17, and 21-25 under 35 U.S.C. § 103(a) citing Amano et al. U.S. Patent No. 4,835,707 in view of Brewer U.S. Patent No. 5,762,877.

The Examiner acknowledges that Amano et al. does not disclose a “solvent-removing means.” Amano et al. pertains to samples held in tubes. The Examiner states:

Brewer teaches a sample concentrating device whereby solvent from a sample is evaporated in order to concentrate the sample. To evaporate the solvent, Brewer teaches using gas from a gas source traveling a predetermined flow rate to a heat source. The heat source heats the gas to a predetermined temperature and the gas further flows over the plate containing the sample/solvent mixture. The flow of warmed gas over the sample/solvent mixture causes the solvent to evaporate leaving the concentrated sample behind. It would have been obvious to one of ordinary skill in the art to incorporate a solvent-removing means into the system of Amano et al. to evaporate the solvent from the sample and provide a concentrated sample for analysis.

Reconsideration is respectfully requested.

Nothing in Amano et al. suggests the need to incorporate a solvent-removing means from an automatic analyzer in which the specimens are held in tubes. Brewer is directed to evaporate solvent in a specimen as it is applied to a plate for thin layer chromatographic analysis. The removal of the solvent from a surface as suggested by Brewer is by directing hot gas through the open end of a tube as the sample is being

{W0216275.1}


Application No. 10/004,259
Paper Dated March 7, 2006
Reply to USPTO Corres. of Dec. 14, 2005
Attorney Docket No. 116-011833

deposited on the surface. This does not, of course, suggest Applicants' technique of removing the solvent from a sample in a tube by lowering nozzles into the tube as the solvent is removed. The Amano et al. technique of depositing the sample on a plate directing hot gas to confine the sample to a geometric area approximately equal to the outer diameter of the needle depositing the sample has no application to Applicants' method in which samples are held in tubes on a sample rack. Considerable modification of the Brewer apparatus not suggested in the references would be required to combine the teachings of the references.

In view of the foregoing amendments and remarks, it is urged this case is now in condition for allowance.

Respectfully submitted,

THE WEBB LAW FIRM

By 

David C. Hanson, Reg. No. 23,024
Attorney for Applicants
700 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219-1845
Telephone: 412-471-8815
Facsimile: 412-471-4094
E-Mail: webblaw@webblaw.com